

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 50026	DATE	8/7/2003
CASE TITLE	Woodard vs. Hamilton Sundstrand Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Plaintiff's motion for summary judgment.

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse Memorandum Opinion and Order, defendant, Hamilton Sundstrand Corporation's, motion for summary judgment is granted. The court incorporates as final its prior order dismissing plaintiff's first amended complaint. This case is hereby dismissed in its entirety with prejudice.

- (11) ☒ [For further detail see order (on reverse side of/attached to) the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials /LC	U.S. DISTRICT COURT CLERK 03 AUG - 7 PM 2:45 FILED-WD	number of notices	Document Number 50
			AUG - 7 2003 date docketed	
			<i>[Signature]</i> docketing deputy initials	
			8-7-03 date mailed notice	
			SW mailing deputy initials	
Date/time received in central Clerk's Office				

MEMORANDUM OPINION AND ORDER

Plaintiff, Booker T. Woodard, filed a second amended complaint alleging that defendant, Hamilton Sundstrand Corporation, refused to hire him based on his race(African-American) in violation of 42 U.S.C. § 1981. Defendant moved for summary judgment, contending that plaintiff failed to present evidence on one of the elements of his prima facie case of discrimination, that is, whether he applied for a position and whether he was qualified for an open position.

Initially, it should be noted that this court previously ruled that the relevant time frame for plaintiff's claim is after January 24, 1999 based on the applicable limitations period. See Woodard v. Hamilton Sundstrand, 2002 WL 226876 (N.D. Ill. Feb. 14, 2002).

Summary judgment is appropriate only if the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. O'Neal v. City of New Albany, 293 F. 3d 998, 1003 (7th Cir. 2002). Generally, if a plaintiff presents evidence from which an inference of discrimination could be drawn, summary judgment is improper. O'Neal, 293 F. 3d at 1003.

A plaintiff may prove race discrimination under section 1981 via direct or indirect evidence. O'Neal, 293 F. 3d at 1003. Plaintiff here lacks direct proof of discrimination, therefore, he relies on the indirect, burden-shifting, approach. Applying this approach, plaintiff must first make out a prima facie case of discrimination by showing that: (1) he is a member of a protected class; (2) he applied and was qualified for the position sought; (3) he was rejected; and (4) the position remained open and the employer continued to seek applicants. See O'Neal, 293 F. 3d at 1003.

Here, plaintiff has failed to submit any evidence that he actually applied for a position with defendant after January 24, 1999. The best defendant can do in that regard is that he updated a resume he had earlier submitted to an employee in defendant's human resources department that he knew because he was in a class taught by the employee at a local community college. It is also undisputed that plaintiff had expressed to this employee a general interest in working for defendant. Plaintiff has offered no evidence, however, that he ever applied for a specific position after January 24, 1999.

Further, plaintiff offered no evidence of his qualifications for a particular position with defendant. Additionally, he has also not identified a particular position for which he was not hired after January 24, 1999.

Because plaintiff has failed to submit evidence to support one of the elements of his prima facie case(or at least raise a question of material fact as to that element), the court grants summary judgment in favor of defendant.

United States District Court
Northern District of Illinois
Western Division

Booker T. Woodard

JUDGMENT IN A CIVIL CASE

v.

Case Number: 01 C 50026

Sundstrand Corporation

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that defendant, Hamilton Sundstrand Corporation's, motion for summary judgment is granted. The court incorporates as final its prior order dismissing plaintiff's first amended complaint. This case is hereby dismissed in its entirety with prejudice.

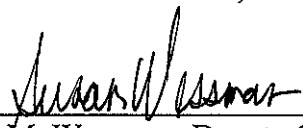
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CLERK
U.S. DISTRICT COURT

Michael W. Dobbins, Clerk of Court

Date: 8/7/2003



Susan M. Wessman, Deputy Clerk